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Patti DeMichele (typed name)

(Signature)

PTO/SB/64/PCT (12-04)

Approved for use through 03/31/2007. OMB 0651-0021

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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**PETITION FOR REVIVAL OF AN INTERNATIONAL APPLICATION FOR PATENT  
DESIGNATING THE U.S. ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)**Docket Number  
(Optional)

First Named Inventor: Javier Del Prado Pavon

International (PCT) Application No.: PCT/IB2003/004567

U.S. Application No.:  
(if known)

Filed: October 10, 2003

Title: SCHEDULER SYSTEM AND METHOD THEREOF

Attention: PCT Legal Staff  
Mail Stop PCT  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

The above-identified application became abandoned as to the United States because the fees and documents required by 35 U.S.C. 371(c) were not filed prior to the expiration of the time set in 37 CFR 1.495(b) or (c) as applicable. The date of abandonment is the day after the date on which the 35 U.S.C. 371(c) requirements were due. See 37 CFR 1.495(h).

**APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION**

NOTE: A grantable petition requires the following items:

- (1) Petition fee
- (2) Proper reply
- (3) Terminal disclaimer with disclaimer fee which is required for all international applications having an international filing date before June 8, 1995; and
- (4) Statement that the entire delay was unintentional.

## 1. Petition fee

☐ Small entity - fee \$ \_\_\_\_\_ (37 CFR 1.17(m)). Applicant claims small entity status.  
See 37 CFR 1.27.

☒ Other than small entity - fee \$ 1,500.00 (37 CFR 1.17(m))

## 2. Proper reply

A. The proper reply (the missing 35 U.S.C. 371(c) requirement(s)) in the form of Petition under 37 CFR 137(b) to revive an abandoned application for unintentional delay (identify type of reply):

☐ has been filed previously on \_\_\_\_\_.

☒ is enclosed herewith.

[Page 1 of 2]

This collection of information is required by 37 CFR 1.137(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop PCT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

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PTO/SB/64/PCT (12-04)  
Approved for use through 03/31/2007. OMB 0651-0021  
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Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

3. Terminal disclaimer with disclaimer fee

☒ Since this international application has an international filing date on or after June 8, 1995, no terminal disclaimer is required.

☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ \_\_\_\_\_ for a small entity or \$ \_\_\_\_\_ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. Statement. The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional.

**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**

  
Signature

4/25/05  
Date

Aaron Waxler  
Typed or Printed Name

48,027  
Registration Number, if applicable

Philips Electronics  
Address

(914) 333-9608  
Telephone Number

P.O. Box 3001, Briarcliff Manor, NY 10510-8001  
Address

Enclosures: ☒ Response

☒ Fee Payment

☐ Terminal Disclaimer

☒ Other (please identify): Patent Application to the United States Designated/Elected Office under  
35 USC 371

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of

Atty. Docket

JAVIER DEL PRADO ET AL

US 020396

Initial Application No.: PCT/IB2003\004567

First Filed: October 17, 2002

Title: SCHEDULER SYSTEM AND METHOD THEREOF

Assistant Commissioner for Patents  
Washington, D.C. 20231

PETITION UNDER 37 CFR 1.137(b) TO REVIVE AN ABANDONED APPLICATION  
FOR UNINTENTIONAL DELAY

Sir:

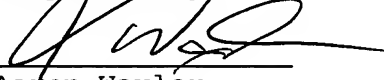
It is respectfully requested that the above-identified patent be revived. Failure to file a United States designated/elected office under 35 U.S.C. § 371(c) occurred unintentionally. The entire delay in filing the required US national-phase application within thirty months of the first filing until the filing of a grantable petition pursuant to this paragraph was unintentional. Petitioners submit that the priority document for PCT/IB2003\004567 claims priority to applications no. 60/419,315, first filed in the USPTO on October 17, 2002. The PCT thirty-month date from the original filing of PCT/IB2003\004567 expires thirty months from the earliest priority document filing date. Since the earliest priority document filing date is October 17, 2002, the PCT application expired on April 17, 2005. Just prior to April 17, 2005, Petitioners underwent a transition from one

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docketing system to another that affected many automatically generated due-date reminders. This is the basis for Petitioners belief that entire delay in filing the required national phase application within thirty months of the first filing until the filing of a grantable petition pursuant to this paragraph was unintentional.

In a telephone conversation on April 22, 2005, Petitioners' agent spoke with the USPTO PCT Helpdesk, which recommended filing this petition as a means to revive an expired PCT application.

Please charge Philips Electronics North America Corporation Deposit Account No. 14-1270 in the amount of \$1500.00 for the Petition to Revive an Abandoned Application for Unintentional Delay. The Assistant Commissioner of Patents is hereby authorized to charge any additional fees or surcharges that may be required, or credit any overpayment to Account No. 14-1270.

Respectfully,

  
\_\_\_\_\_  
Aaron Waxler  
Reg. No. 48,027  
(914) 333-9608  
April 25, 2005